



June 24, 2015

CONFIDENTIAL

Mark A.R. Chalfant
Attorney
Legal Enforcement Program
Office of Enforcement, Compliance and Environmental Justice
U.S. EPA Region 8
chalfant.mark@epa.gov

RE: Columbia Falls Aluminum Reduction Plant, Montana Department of Environmental Quality
Comments on Draft Administrative Order on Consent and Scope of Work

Mark,

Thank you for the opportunity to review the June 9, 2015 Administrative Order on Consent and Scope of Work for the Columbia Falls Aluminum Reduction Plant proposed NPL site. The Montana Department of Environmental Quality has the following comments:

Comments on draft AOC:

1. We appreciate your statement that we can work together to include reference to the State of Montana's consultative role throughout the AOC. DEQ requests inclusion of reference to the State, as per the model EPA RI/FS AOC, and has noted specific locations, below, where DEQ requests reference to DEQ and/or the State.
2. Paragraph 11, Definition of "Future Response Cost": Is this definition broad enough to include recovery of any costs paid to DEQ through a management assistance cooperative agreement? If not, please revise to include reference to EPA's recovery of the State's costs. DEQ recommends the following language: "Costs incurred by EPA in funding the consultation/support agency role of the State of Montana shall be included in Future Response Costs recoverable under this Settlement Agreement."
3. Paragraph 13: Please insert at the end of the paragraph, "The total area of the property owned by Columbia Falls Aluminum Company, LLC is approximately 3,196 acres."

4. Paragraph 14: Please insert at the end of the paragraph, "451 "pots" remained on-site when production operations discontinued.
5. Paragraph 15: DEQ recommends clarification that "many of the landfills on-site are not lined and contain spent pot liner waste (KO-88, RC/RA waste)."
6. Paragraph 17: In the last sentence after the phrase "polychlorinated biphenyl compounds," please insert "(PCBs)."
7. Paragraph 18: Please change "Aroclor 1254" to "PCBs (Aroclor 1254)."
8. Paragraph 19: The State of Montana has a binding standard for zinc in groundwater and surface water of 2,000 micrograms per liter ($\mu\text{g/L}$). These standards are contained in the Circular DEQ-7 Numeric Water Quality Standards. If the levels of zinc exceed the secondary MCL of 5 mg/L, they also exceed this standard. DEQ recommends referencing the DEQ-7 standard.
9. Paragraph 36: Please include DEQ's project officer information here, too. Please add: "DEQ has designated Keith Large as its State Project Officer. DEQ will notify EPA and the Respondents of a change in its designated State Project Officer. Please copy all submissions to EPA to the State Project Officer at the Montana Department of Environmental Quality, PO Box 200901, Helena, Montana 59620-0901 and by electronic mail to klarge@mt.gov."
10. Paragraph 46: Please include a requirement to copy DEQ's State Project Officer on the progress reports.
11. Paragraph 47: Please require notification to the State as follows: "Respondents will also notify DEQ's State Project Officer at 406-444-6569 and the state's Disaster and Emergency Services (DES) 24-hour phone number (406) 324-4777. If no one can be reached at the DES number, the release or spill may be reported to the Montana Department of Environmental Quality (DEQ) duty officer at (406) 431-0014."
12. Paragraph 48: Please reference consultation with the State here, prior to any approval.
13. Paragraph 57.b.: Please revise to include notification to the State of sampling and the ability for the State also to collect split samples.
14. Paragraph 58.a.: Please revise to include access to information for the State, also.
15. Paragraph 58: Is "records" defined? If not, DEQ recommends defining it or not capitalizing it, and using a more general term of: "records or information."
16. Paragraph 104: Please revise to require notification to the State of any litigation, also.

Comments on the draft SOW:

17. Page 4, Section 4; in the 4) sentence: Please insert "and SAP" after "remedial investigation."
18. Page 5, Section 4; in the 4) sentence: After the last "RI/FS," please insert "work effort" so that it reads, "RI/FS work effort."
19. Page 7, top of the page, first paragraph: As noted in the comments above, DEQ would like to work closely with EPA in a consultative role. The paragraph contains five instances of "EPA"; please change the second, third and fourth "EPA" to "EPA and the State;" the first and last "EPA" should not be changed. Note; not all the "EPA" in the document should be changed because the State will not have approval authority. However, some uses of "EPA" should be changed to "EPA and the State" so that it is clear to the Respondents that EPA will work closely with the State.
20. Page 8, first paragraph in Section 8.1: Please change the first three uses of "EPA" to "EPA and the State."
21. Page 9, first paragraph in Section 8.2: Please change the first "EPA" in the paragraph to "EPA and the State." Further down in 8), please change "RI/FS;" to "RI/FS, SAP;"
22. Page 13, Section 8.7, last paragraph: Please change the second and last "EPA" to "EPA and State."
23. Page 13, Section 8.8: Please revise to clarify that EPA and the State will identify the preliminary ARARs, rather than the Respondents.
24. Page 14, Section 10, first sentence: Please change "The EPA" to "EPA and the State."
25. Page 15, Section 11, first paragraph: Please change second "EPA" to "EPA and the State."
26. Page 16, Section 11.2, first sentence: Please insert "draft" in front of "technical memorandum" and insert "to EPA, the State, and local governmental agencies for review and comments" at the end of the sentence. DEQ recommends inclusion of the local government here because many institutional controls must be implemented locally.
27. After Section 11.2: DEQ recommends inserting the following:

"12. Key Personnel and Project Organization

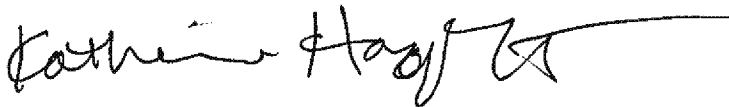
"Figure 1 attached, provides the preliminary RI/FS Project Organizational Chart. The chart identifies the key positions/roles and anticipated lines of communication proposed for the overall RI/FS work effort. The RI/FS Work Plan will further document the specific responsibilities and authority of key persons and organizations working on RI/FS

phases of the project. EPA and the State recognize that the project implementation is multi-year and may necessitate changes in personnel over time. The Respondents shall notify EPA and the State in writing upon such personnel changes.”


Note; Figure 1 in the paragraph above will need to be developed and then reviewed by all parties for accuracy.

28. Attachment I: DEQ recommends changing all “14 days” to “21 days.” DEQ is concerned that some of the documents will be very large, and 14 days may not be enough time to edit and address agency comments and questions adequately when a document is hundreds of pages long. At the end of the section, below the table, please insert: “The Respondents will notify EPA in writing at least 10 days in advance of any scheduling conflicts or request for schedule modifications.”
29. Attachment I: The deadline for submittal of the *Draft Phase-Specific SAPs with Updated HASPs* is 90 days prior to anticipated start to field work. However, is there a hard requirement for conducting the field work by a certain time? If not, DEQ recommends inclusion of a deadline for conducting the field work so the Respondents do not create unnecessary delays.
30. Attachment I: The last deliverable should be the **final** Alternative Analysis for Institutional Controls Analysis and Screening. The draft document is listed twice.

Sincerely,



Katherine Haque-Hausrath
Senior Legal Counsel
Montana Department of Environmental Quality
1225 Cedar, P.O. Box 200901
Helena, MT 59620-0901

CC: Tom Stoops 
Keith Large
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